

REMARKS

Claims 1-22 and 29-36 are currently pending in the application. By this amendment, claims 1, 7, 10, 16, 19 and 20 are amended to overcome the objections and rejections to the claims. These amendments are not narrowing amendments, and are not made for reasons of patentability in view of any prior art rejections. No new matter is added. The specification is also amended to better comport with MPEP §608.01(d). Reconsideration of the rejected and objected claims in view of the above amendments and the following remarks is respectfully requested.

Objection the Specification

Applicants apologize for the oversight in not previously amending the specification to better comport with MPEP §608.01(d). Applicants also appreciate the opportunity to correct this oversight. The specification is now amended to better comport with MPEP §608.01(d).

Objection to Claims

In general, the Examiner is of the opinion that the response filed on September 14, 2004 was not responsive. Applicants disagree with the Examiner as it relates to the objections and §112 rejections set forth in the Office Action dated June 17, 2004. The fact that Applicants have refused to amend certain claims does not, in itself, render the September 14, 2004 Response inadequate or non responsive. Applicants have addressed the Examiner's objections in a reasonable manner by setting forth certain arguments rebutting the Examiner's position.

Also, Applicants do appreciate the courtesies extended to Applicants by providing an additional opportunity to amend the claims, etc. in view of the new objections; however, Applicants remain of the opinion that a fair interpretation of Applicants' previous comments would lead one to believe that such comments are responsive to the Office Action dated June 17, 2004. In any event, Applicants submit the following in a further attempt to satisfy the Examiner's outstanding concerns.

Claim 1

To further clarify Applicants' position, claim 1 has been amended to recite that the detection element is in proximity to a predetermined location of the terminal portion. Again, Applicants submit that this is consistent with the remaining portions of the claim. Proximity is defined as very close (Merriam Webster's Collegiate Dictionary, 10th edition). Also, line 3 of claim 1 recites that the lead of the detection element and not the detection element, itself, is connected to the terminal portion. For these reasons, there is no inconsistency.

Claims 7, 16 and 20

Claims 7, 16 and 20 have been amended to recite the terminal portion is fitted into the holder portion. As best understood by the Examiner's objection, this amendment should address the remaining concerns of the Examiner.

Claim 10

Claim 10 has been amended to delete any reference to methodology. Claim 10 now recites, in part:

wherein the holder portion is sealed with the resin, and the rod-like projection has an outer end supporting the holder portion in a floating fashion and an end which does not project outwardly of the resin sealed portion.

No steps are being performed in this recitation. Additionally, the new objections set forth in the present office action are also addressed by this recitation.

Claim 19

Applicants amend claim 19 to overcome the Examiner's objections. Specifically, claim 19 is amended to recite:

a rod-like projection projectedly formed on the holder portion, the rod-like portion being adapted to support the holder portion in a floating fashion when the holder portion is sealed with the resin, the rod-like projection being positioned without projecting from a surface of the resin sealed portion.

Claim 19 does not recite the cavity, an outside of the cavity or methodologies. Applicants, though, still maintain that the claim, as originally filed, was proper and that Applicants reserve their rights, at a later time and without prejudice or acquiescence, to again use such language

Claim 14

Applicants note that the Examiner did not initially object to claim 14 based on the terminology “flange”. Instead, the Examiner rejected claim 14 under 112, 1st paragraph. As to the substance of the new objection, the Examiner is of the opinion that the flange can equally be element 12a or 13. This, in itself, shows that the Examiner is able to define the flange, which would meet the “reasonable degree of clarity and precision” test.

Also, although the flange may be interpreted, in the opinion of the Examiner, as either element 12a or 13, there is still no requirement to make an amendment to claim 14 to delete the term “flange”. Instead, the Examiner is obligated under the MPEP to give the term its broadest meaning, albeit 12a or 13. If the Examiner is of the opinion that the flange can equally be element 12a and 13, the Examiner is invited to reject the claim based on prior art found which shows such an interpretation.

However, Applicants submit that the claim is definite and clear and would allow one to practice the invention without any undue experimentation. Also, Applicants maintains that claim 14 clearly meets the requirements of MPEP 2173.05(d), to wit:

There is no requirement that the words in the claim much match those in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Applicants thus submit that the language used in the claims can clearly be supported by the specification and have a reasonable degree of clarity. This is especially true by Applicants interpretation.

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Claim 15

As to the 112, 2nd paragraph rejection of claim 15, Applicants have deleted the relative term “front.” (Claim 19 has also been amended to delete the terminology “front”.) As to the concave surface, Applicants submit that the claim is definite and clear, in that the resin sealed portion around the rod-like projection is formed in a concave surface.

Claim 12

The Examiner remains of the opinion that claim 12 does not further narrow claim 11. Applicants note that claim 12 recites that the rod is provided on the holder portion; whereas, base claim 10 recites that the rod is formed on the holder portion. Claim 11, on the other hand, recites that the rod-like projection has a polygonal cross section. The use of the terminology “provided” is a further limiting feature, in addition to the previous noted terminology “rod”.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the objections and rejections have been properly addressed. Applicants submit that the above amendments and remarks are responsive. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Please resume substantive examination of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Calderon', with a stylized flourish at the end.

Andrew M. Calderon
Registration No. 38,093

McGuireWoods, LLP
Suite 1800
1750 Tysons Blvd.
McLean, VA 22102
(703) 712-5426